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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,730	10/20/2000	Donald W Conley	10034-5820	8543

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THOMPSON COBURN, LLP
ONE FIRSTAR PLAZA
SUITE 3500
ST LOUIS, MO 63101

EXAMINER

TAMAI, KARL I

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 12/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,730

Applicant(s)

CONLEY, DONALD W

Examiner

Tamai IE Karl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 21-28 is/are allowed.
- 6) ☒ Claim(s) 7-13, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 14-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Specification

1. The objection to the specification is withdrawn.

Claim Rejections - 35 USC § 102

2. The rejection of the claims under 35 U.S.C. 102(b) are withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatsutori et al. (Hatsutori) (JP 58-192,450) and Inao et al. (Inao)(JP 08-037,752). Hatsutori teaches motor 1 and conduit enclosure 12/13 with a gasket 16 having a passage 16a with a seal opening in a wall 16c extending from the first surface (inner) and having a resin sealant positioned in the opening/wall. The resin being flexible to stretch around a wire passing through the opening. Figure 10 showing the wall extending in to lead opening enclose without constraint. Hatsutori teaches every aspect of the invention except the gasket 16 having a first surface engaged against the conduit enclosure and a second surface against the motor. Inao teaches the gasket 141 including a surface against the motor housing and a surface against the conduit enclosure. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Hatsutori with the first and second surface of Inao to prevent condensation in the terminal box and maintain an air tight motor.

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5. Claims 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatsutori et al. (Hatsutori) (JP 58-192,450) and Inao et al. (Inao)(JP 08-037,752), in further view of Maeda (JP 10-174,346). Hatsutori and Inao teach every aspect of the invention except the resin being only in the wall. Maeda teaches the resin only in the wall to simplify assembly. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Hatsutori and Inao with the resin being only in the wall to provide a simply assembly.

6. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatsutori et al. (Hatsutori) (JP 58-192,450) and Inao et al. (Inao)(JP 08-037,752), in further view of Hilneder (DE 30 11 975). Hatsutori and Inao teach every aspect of the invention except the wall being inserted into the enclosure lead opening without contacting the enclosure and with the wall extending completely through the enclosure opening. Hilneder teaches the cable block 3 inserted with an opening between the case and the block. Hilneder shows a wall around the cables that extends completely through the enclosure opening. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Hatsutori and Inao with the cable block/wall not in contact with the enclosure lead housing and with the wall extending completely through the enclosure opening, as in Hildneder, to provide easy adjustment of the output terminals.

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7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inao et al. (Inao)(JP 08-037,752) and Hildner (DE 30 11 975). Inao teaches every aspect of the invention including a wire extending through the gasket (inherent that the wire is in a cavity). Inao does not teach a sealant in the gasket cavity. Hildner teaches the cable block 3 inserted with an opening between the case and the block. Hildner shows a wall around the cables that extends completely through the enclosure opening. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Inao with rubber sealant of Hildner and with the cable block/wall not in contact with the enclosure lead housing and with the wall extending completely through the enclosure opening, as in Hildner, to provide easy adjustment of the output terminals.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inao et al. (Inao)(JP 08-037,752) and Hildner (DE 30 11 975), in further view of Bryant et al. (Bryant)(US 5,889,343). Inao and Hildner teach every aspect of the invention except the seal being epoxy. Bryant teaches the seal material being epoxy. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Inao and Hildner with the seal material being an epoxy because Bryant teaches they are used as a seal between conduit boxes and motor housings due to the low cure times and low shrinkage.

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9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inao et al. (Inao)(JP 08-037,752) and Hilneder (DE 30 11 975), in further view of Hillix (US 1,646,962). Inao and Hilneder teach every aspect of the invention except the conduit box being curved. Hillix teaches the conduit box 55 being curved. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Inao and Hilneder with the curved conduit box of Hillix to mount the conduit box to the curved motor housing.

Allowable Subject Matter

10. Claims 1-6 and 21-28 are allowed.

11. Claims 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments filed 10/22/02 have been fully considered but they are considered moot in view of the new grounds of rejection.

Conclusion

13. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (703) 305-7066.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703) 308-1371. The facsimile number for the Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Karl I Tamai
PRIMARY PATENT EXAMINER
December 24, 2002

PRIMARY EXAMINER
KARL TAMAI
